UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
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ART UNIT	PAPER NUMBER
2145	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/006,346	GLORIKIAN, HARRY A.
	Examiner	Art Unit
	AJAY BHATIA	2145

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>31 October 2007</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>26-50</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>26-50</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>10/3/2007</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

Claim Objections

Claim 37 is objected to because of the following informalities: The term

"audiovisually" does not appear to be a word. Appropriate correction is required.

Information Disclosure Statement

Some documents submitted in the IDS were not considered because the

documents that were submitted were not legible. Additionally any non patent literature

also requires both a month and year.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

Claim 26 recites the limitation "the premise" in (a). There is insufficient

antecedent basis for this limitation in the claim. The claim does not previous refer to a

premise.

Claim 31 recites the limitation "the rate of change of the position, and the

direction of change of the position" in (a). There is insufficient antecedent basis for this

limitation in the claim. The claim does not previous refer to "rate of change" or "direction

of change".

Please note additionally claims also repeat similar errors, applicant is should

carefully review all claims and make necessary corrections.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 26-50 are rejected under 35 U.S.C. 102(e) as being anticipated by

Hollenberg (U.S. Patent 6,091,956).

For claim 26, Hollenberg teaches, a system for selecting and delivering

information relating to exhibits in a premise, comprising:

a server computing device having a communication component

communicably coupled to a data communications network that provides data

communications between the server computing device and a mobile computing device

that receives and reports information that the server computing device sends to the

mobile computing device wherein the server computing device (Hollenberg, Col. 8 lines

32-60, URL, Col. 8 lines 6-25, traffic congestion)

(a) stores information relating to exhibits in the premise, (Hollenberg, Col. 8 lines 6-25,

data, Col. 13 lines 7-45, sales, figures 2, 4, 6)

(b) periodically determines a position of a mobile computing device within boundaries of

the premise, (Hollenberg, Col. 8 lines 6-25, in path, Col. 13 lines 7-45, within selectable

distance, figures 2, 4, 6)

(c) selects information specific to an exhibit in the premise if the mobile computing

device remains near the exhibit for a specified duration of time, (Hollenberg, Col. 8 lines

6-25, location, speed, travel–direction, avoid, accident, Col. 13 lines 1-45, duration of

view, short-term merchandise, Col. 16 lines 9-47, display awaiting user, 1 hr special,

figures 2,4,6)

(d) sends the selected information specific to the exhibit to the mobile computing device,

and (Hollenberg, Col. 8 lines 6-25, traffic congestion, Col. 13 lines 6-45, banner, figures

2, 4, 6)

(e) in response to movement of the mobile computing device, selects and sends general

information relating to one or more other exhibits that are located in the general

direction of movement of the mobile computing device. (Hollenberg, Col. 8 lines 6-25, in

path, Col. 13 lines 6-45, floor information, plan, figures 2, 4, 6)

        For claim 27, Hollenberg teaches, the system of claim 26 wherein the server

computing device uses the periodically-determined positions to generate direction and

rate of movement of the mobile computing device within the boundaries of the premise,

and uses both (1) at least one of the direction and rate of movement of the mobile

computing device and (Hollenberg, Col. 13 lines 1-25, speed, frequency, duration of

view, direction,)

        (2) the position of the mobile computing device to select information. (Hollenberg,

Col. 13 lines 1-45, distance, banner)

For claim 28, Hollenberg teaches, the system of claim 27 wherein the premise

has an indoor portion and the server periodically determines the position of the mobile

computing device within the indoor portion. (Hollenberg, Col. 12 lines 43-62, RF)

For claim 29, Hollenberg teaches, the system of claim 27 wherein the premise

has an indoor portion and the server periodically determines the position of the mobile

computing device within the indoor portion without using a GPS signal at the mobile

computing device. (Hollenberg, Col. 12 lines 43-62, GPS)

For claim 30, Hollenberg teaches, the system of claim 27 wherein the premise

has an indoor portion and the server periodically determines the position of the mobile

computing device within the indoor portion using a radiofrequency triangulation system.

(Hollenberg, Col. 12 lines 43-62, RF)

For claim 31, Hollenberg teaches, a mobile computing device, comprising:

a position-determining component that periodically determines a position

of the mobile computing device relative to time; (Hollenberg, Col. 12 lines 43-62, GPS,

RF)

and a communication component that provides the position of the mobile

computing device to a server computing device storing position-related information and

receives from the server computing device a portion of the position-related information

selected based on at least two of the position of the mobile computing device, the rate

of change of the position, and the direction of change of the position. (Hollenberg, Col.

13 lines 1-45, speed, direction, Col. 8 lines 6-25, location, speed, travel–direction, avoid,

accident)

For claim 32, Hollenberg teaches, the mobile computing device of claim 31

wherein the position- determining component includes a GPS receiver that indicates a

position of the GPS receiver on the Earth's surface, and the communication component

is a data communication component that communicates via a cellular telephone network

with the server computing device. (Hollenberg, Col. 12 lines 43-62, GPS, Col. 15 lines

1-25, telecomm Col. 5 lines 29-45, GSM)

For claim 33, Hollenberg teaches, the mobile computing device of claim 31

wherein the position- determining component employs radiofrequency-based

triangulation to determine the position of the mobile computing device with respect to a

specified position in a physical facility. (Hollenberg, Col. 12 lines 43-62, RF)

For claim 34, Hollenberg teaches, the mobile computing device of claim 31

further comprising an information reporting component that reports the received

position-related information. (Hollenberg, Col. 13 lines 6-45, display, speaker)

For claim 35, Hollenberg teaches, the mobile computing device of claim 31 further comprising an information reporting component that reports the received position-related information audibly. (Hollenberg, Col. 13 lines 6-45, speaker)

For claim 36, Hollenberg teaches, the mobile computing device of claim 31 further comprising an information reporting component that reports the received position-related information visually. (Hollenberg, Col. 13 lines 6-45, display)

For claim 37, Hollenberg teaches, the mobile computing device of claim 31 further comprising an information reporting component that reports the received position-related information audiovisually. (Hollenberg, Col. 13 lines 6-45, display, speaker, banner)

For claim 38, Hollenberg teaches, a method performed by a computing device for delivering position- related information to a mobile computing device, comprising:

periodically receiving position information from the mobile computing device indicating a position of the mobile computing device; (Hollenberg, Col. 13 lines 6-45, floor)

retrieving position-related information based on at least two of a position, a rate of change of position, and a direction of change of position of the mobile computing device; (Hollenberg, Col. 13 lines 6-45, move in direction, floor, speed)

and sending the retrieved position-related information to the mobile

computing device. (Hollenberg, Col. 13 lines 6-45, banner)

For claim 39, Hollenberg teaches, the method of claim 38 wherein when the

received position information indicates that the mobile computing device is near the

position of an object for a period of time, selecting position-related information based on

an identity of the object and the length of the period of time. (Hollenberg, Col. 8 lines 6-

25, location, speed, travel–direction, avoid, accident, Col. 13 lines 1-45, duration of

view, short-term merchandise, Col. 16 lines 9-47, display awaiting user, 1 hr special,

figures 2,4,6)

For claim 40, Hollenberg teaches, the method of claim 38 further comprising

selecting position-related information for sending to the mobile computing device based

on an interest previously indicated by a user of the mobile computing device.

(Hollenberg, Col. 16 lines 9-47, 1hr special, Col. 18 lines 1-17, visitor guide, figure 6)

For claim 41, Hollenberg teaches, the method of claim 38 further comprising

selecting position-related information for sending to the mobile computing device based

on dynamic data derived from the indicated position of the mobile computing device

over time. (Hollenberg, Col. 16-9-47, 1 hr special)

For claim 42, Hollenberg teaches, a computer-readable storage medium storing

computer-executable instructions that, when executed, cause a server computing

device to perform a method for selecting and delivering information, the method

comprising:

periodically determining a position of a mobile computing device; (Hollenberg,

Col. 12 lines 43-62, GPS)

selecting, from an information repository, information according to position and

direction of movement of the mobile computing device; (Hollenberg, Col. 8 lines 6-25,

location, speed, travel–direction, avoid, accident, Col. 13 lines 1-45, duration of view,

short-term merchandise, Col. 16 lines 9-47, display awaiting user, 1 hr special, figures

2,4,6)

and delivering the selected information to the mobile computing device via a data

communications network wherein different information is selected and delivered to the

mobile computing device based on whether the mobile computing device is determined

to be stationary or moving. (Hollenberg, Col. 8 lines 6-25, location, speed, travel–

direction, avoid, accident, Col. 13 lines 1-45, duration of view, short-term merchandise,

Col. 16 lines 9-47, display awaiting user, 1 hr special, figures 2,4,6)

For claim 43, Hollenberg teaches, the computer-readable storage medium of

claim 42 wherein the selecting further comprises selecting information based on a

previously indicated category of interest of a user of the mobile computing device.

(Hollenberg, Col. 16 lines 9-47, 1hr special)

For claim 44, Hollenberg teaches, the computer-readable storage medium of

claim 42 wherein the selecting further comprises selecting information relevant to a

specified time. (Hollenberg, Col. 16 lines 9-47, 1hr special)

For claim 45, Hollenberg teaches, the computer-readable storage medium of

claim 42 wherein the selecting is based on a rate of change in the position of the mobile

computing device. (Hollenberg, Col. 13 lines 1-45, speed, direction, Col. 8 lines 6-25,

location, speed, travel–direction, avoid, accident)

For claim 46, Hollenberg teaches, the computer-readable storage medium of

claim 42 wherein the selecting is based on a rate of change in the position of the mobile

computing device, the method further comprising, if the rate of change is determined to

be at a walking rate, delivering granular information pertaining to locations within a

walking distance. (Hollenberg, Col. 14 lines 38-57, pedestrian)

For claim 47, Hollenberg teaches, the computer-readable storage medium of

claim 42 wherein the selecting is based on a rate of change in the position of the mobile

computing device and wherein if the rate of change is determined to be at a vehicular

movement rate, delivering general information pertaining to locations within a driving

distance. (Hollenberg, Col. 14 lines 38-57, vehicle)

For claim 48, Hollenberg teaches, the computer-readable storage medium of claim 42 wherein the determining the position of the mobile computing device is based on a GPS signal. (Hollenberg, Col. 12 lines 43-62, GPS)

For claim 49, Hollenberg teaches, the computer-readable storage medium of claim 42 wherein the determining the position of the mobile computing device is based on radiofrequency triangulation when the mobile computing device is located within an enclosed structure. (Hollenberg, Col. 12 lines 43-62, RF)

For claim 50, Hollenberg teaches, a method performed by a server computing device for selecting and delivering information, comprising:

periodically determining a position of a mobile computing device; (Hollenberg, Col. 12 lines 43-62, GPS)

using the periodic determinations of the position of the mobile computing device to determine a direction of movement of the mobile computing device; (Hollenberg,Col. 13 lines 1-47, speed, duration, direction, path)

selecting, from an information repository, information based on the position and direction of movement of the mobile computing device; (Hollenberg, Col. 6 lines 31-49, hotel, Col. 13 lines 9-47, proximate)

determining whether the mobile computing device is moving toward an entity; (Hollenberg, Col. 6 lines 31-49, approach)

and if the mobile computing device is moving toward the entity, notifying the

entity that the mobile computing device is moving toward the entity. (Hollenberg, Col. 6

lines 31-49, approach hotel)

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. See attached Notice of references cited (if appropriate).

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ajay M. Bhatia whose telephone number is (571)-272-

3906. Also any interview requests should be faxed directly to the examiner at (571)-

273-3906. The examiner can normally be reached on M-F 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jason Cardone can be reached on (571)272-3933. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2145